

PRE-APPEAL BRIEF REQUEST FOR REVIEWDocket Number
24207-10108

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On March 18, 2008Signature /Jie Zhang/Typed or printed
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10/814,069Filed
March 31, 2004First Named Inventor
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This request is being filed with a notice of appeal.

I am the

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See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.

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March 18, 2008

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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 of 1 form is submitted.

ATTACHMENT TO THE PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pre-appeal review is requested because the rejections in the October 18, 2007 non-final Office Action are clearly improper and without any factual or legal basis. Applicant respectfully requests that the Panel indicate claims 1-12 and 14-36 recite allowable subject matter.

Status of the Claims: Claims 1-12, 14-32, and 34-36 are rejected under 35 USC § 103(a) as allegedly being unpatentable over U.S. Pat. Appl. Pub. No. 2003/0220913 to Doganata et al. (“Doganata”) in view of U.S. Pat. No. 7006588 to Simmons et al. (“Simmons”) and/or further in view of U.S. Pat. Appl. Pub. No. 2003/0046311 to Baidya et al. (“Baidya”), U.S. Pat. No. 7,082,428 to Denny et al. (“Denny”), and/or U.S. Pat. Appl. Pub. No. 2006/0010150 to Shaath et al. (“Shaath”). Claim 33 is rejected under 35 USC § 103(a) as allegedly being unpatentable over Doganata in view of Simmons and further in view of Baidya and further in view of U.S. Pat. Appl. Pub. No. 2004/0267813 to Rivers-Moore et al. (“Rivers”).

Rejection of claims 1-12, 14-32, and 34-36: The claimed invention relates to processing search queries. Upon receiving a given search query, the claimed invention determines whether the query has previously been received and, if so, whether at least a portion of a previously stored result set associated with the search query is valid. If the portion is valid, it is output as a search result of the query. This technique is useful, for example, in supporting offline searches.

To this end, independent claim 1 recites:

- (b) determining whether the search query has been previously received;
- (c) if the search query has been previously received,
 - (i) retrieving a previously stored result set associated with the search query, and
 - (ii) determining whether at least a portion of the previously stored result set associated with the search query is a valid search result set for the search query; and

- (d) if the at least a portion of the previously stored result set associated with the search query is determined to be a valid search result set for the search query, outputting the portion of the previously stored result set associated with the search query as a search result of the search query.

The other independent claims recite similar features.

Doganata does not disclose or suggest retrieving a previously stored result set associated with a search query, determining whether at least a portion of the previously stored result set is a valid search result set for the search query, and, if so, outputting the portion as a search result of the search query. Instead, Doganata identifies a category for a user query and searches in a ranked list of information sources associated with the category for information matching the query (See paragraph [0020]). While Doganata does teach that the query search results can influence the ranking of the information sources in the category, Doganata does not store query search results and then return a valid portion of previously-stored search results as claimed.

The Examiner gives the “result set” claim limitation inconsistent interpretations in rejecting claim 1. In rejecting limitations recited in (c)(ii), the Examiner considered the category and associated ranked information sources associated with a user query equivalent to a result set associated with the query. The Examiner cited paragraphs [0022], [0024], and [0039] of Doganata for disclosure of (c)(ii). These cited paragraphs describe how Doganata ranks information sources associated with a category, searches first in the high-ranking information sources of the category, and updates the ranked information sources based on search results.

In rejecting limitations recited in (d), the Examiner considered the search result of a user query from information sources equivalent to a result set associated with the query. The Examiner stated that “the present invention has the ability to return a **higher percentage of relevant documents** to the user” in paragraph [0024] of Doganata for disclosure of (d) (Emphasized by the Examiner in the October 18 Office Action.). Paragraph [0024] teaches

outputting a search result of relevant documents to the user, not the category or the associated ranked information sources associated with the user query. The Examiner similarly equates a result set to results returned from information sources in the rejection of claim 14.

These two interpretations are inconsistent because a category and associated ranked information sources are different from a search result. The former are attributes associated with a user query while the latter is a search result of the query. In addition, under neither of these two interpretations does Doganata disclose or suggest the cited limitations. Assuming for the sake of argument that a result set is equivalent to a category and associated ranked information, Doganata fails to disclose or suggest “outputting the portion of the previously stored result set associated with the search query as a search result of the search query.” Assuming for the sake of argument that a result set is equivalent to a search result, Doganata fails to disclose or suggest “retrieving a previously stored result set associated with the search query, and ... outputting the portion of the previously stored result set associated with the search query as a search result of the search query.”

Simmons does not disclose or suggest the claim limitations Doganata fails to teach. Simmons describes a system and method for detecting a synchronization signal (“sync signal”) in a communication signal. If a detected sync signal is subsequently determined invalid, Simmons resumes sync signal detection by examining portions of the communication signal not previously examined. See Simmons, Abstract. Simmons bears no relationship to the claimed invention. Even if the sync signal detection is considered equivalent to a query search, the portions of the communication signal subsequently examined for the sync signal are not “the previously stored result set associated with the search query” because they were not previously searched for sync signals. In addition, Simmons does not determine whether at least a portion of

these portions is a valid search result. Rather, it detects sync signals in these portions in the same manner as it previously detected the invalid sync signal. If the first detection is equivalent to conducting a search, then the second detection is a separate search, and not merely a validity determination.

Similarly, the other references cited by the examiner against the dependent claims fail to remedy the deficiencies of Doganata and Simmons described above. Baidya discloses a system that crawls the Internet for web sites, extracts URLs from web sites, categorizes the web sites and URLs, and conducts user search queries that search a subset of the web sites and URLs based on the category information (See Summary, paragraphs [0013], [0019] and [0020]). Denny discloses a system and method for collaborative searching that returns a stored result for a stored query as a search result for a subsequent search query if it is substantially similar to the stored query. See Denny, col. 2, lines 3-11. Shaath discloses a method and system for managing a file, including determining an expiration date and a minimum lifespan for the file, and deleting the file when expired. See Shaath, paragraphs [0102-0104], and Fig. 6.

Likewise, the combination of Doganata, Simmons, Baidya, Denny, and/or Shaath also fails to disclose or suggest the claimed limitations cited above.

For the above reasons, Applicant respectfully submits that the rejection of claims 1-12, 14-32, and 34-36 is unjustified and requests reconsideration and allowance of the claims.

Rejection of claim 33: Claim 33 is dependent on independent claim 1 and further recites retrieving a copy of an article stored in an offline-accessible data store responsive to a request for the article. Specifically, claim 33 recites:

- (g) if the article is stored in the offline-accessible data store, determining whether the article is valid;
- (h) if the article is determined to be valid, retrieving the article from the offline-accessible data store;

The Examiner rejected these additional limitations under the same ground as limitations (c) and (d) in claim 1. For example, the Examiner cited “if the user has previously used this query within the context of ‘computer language’” in paragraph [0033] of Doganata for teaching of “determining whether the article is valid.” The Examiner apparently equated the category “computer language” in Doganata to a requested article as claimed in claim 33. Applicant respectfully submits that a category in Doganata is different from a requested article as claimed. The former is an attribute to a search query used to retrieve its search result, and the latter is the designated result of an article request.

Simmons, Baidya, and River similarly do not remedy the deficiencies of Doganata described above. River discloses a solution for a data file that enables a user to interact with data in the data file. See Rivers, Summary. Likewise, the combination of Doganata, Simmons, Baidya, and Rivers also fails to disclose or suggest the claimed limitations cited above.

Thus, Doganata, Simons, Baidya, and River, whether taken singly or in combination, clearly fail to disclose or suggest each and every limitation of the claimed invention.

Summary: Based on the foregoing, Applicant respectfully submits that each of the pending rejections suffers from a clear deficiency. Accordingly, Applicant requests that the § 103 rejections of claims 1-12 and 14-36 be withdrawn.

Date: March 18, 2008

Respectfully Submitted,

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